

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5955 of 2018

- Vinod Kumar Garasiya S/o Veer Singh Garasiya Aged About 42 Years
Occupation- Service, R/o- Faith Home, Tripura Colony Thikariya- District-
Bastar (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mahila
Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Awadh Tripathi, Advocate.

For Non-applicant : Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board07.09.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 01/2018 registered at Police Station – Mahila Thana Ambikapur, District – Surguja (C.G.) for the offence punishable under Sections 376, 494, 417, 506-B/34, 307 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicant who was already married and have children performed second marriage with prosecutrix on 25.05.2017 in village – Deori. He had kept the prosecutrix in different places and committed sexual intercourse with her. On 19.07.2017 applicant and his wife coaccused Smt. Sarita Garasiya beaten her, tied

rope around her neck and another end with the door in a way that if any person would open the door then she may die.

4. Learned counsel for the applicant argued that applicant had given two cheques each of Rs. 5,00,000/- to the prosecutrix because she was giving threatening to implicate him in a false case. A case under Section 420 IPC is registered against the prosecutrix. To save from that case she lodged false case against him and his wife Smt. Sarita Garasiya. Smt. Sarita Garasiya is already enlarged on bail by this Court. The applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. The case of the applicant is different from coaccused Smt. Sarita Garasiya. In the case in hand, prima facie the applicant is the main accused.
7. Looking to the facts and circumstances of the case, looking to the fact that applicant performed second marriage with the prosecutrix concealing his earlier marriage, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE